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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,875	12/01/2003	Bernard Franchetti	33428/295540	2731

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EXAMINER
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VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,875

Applicant(s)

FRANCHETTI, BERNARD

Examiner

Ajay Vasudeva

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-10,12-14 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 2,5,11 and 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/30/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The following changes in the specification are recommended:
  - The examiner recommends amending the title of the invention to make it short and specific, such as -- **Integrated Accessory for an Inflatable Apparatus** --. However, such change requirement is optional for the applicant.
  - On page 9 (lines 4, 12, and 17), before "cross-sectional view", "**exploded**" should be deleted because the shown views are not exploded views, but merely plain sectional views.
  - On the last line of the abstract (page 29), delete "**FIGURE 1**".

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities:
  - In claim 1 (line 18), after "flexible wall", use of parenthetical expression "**(outer frame and inner frame respectively)**" is improper.
  - In claim 1, it is recommended that the expression "**abovementioned**" be changed to --**said** --. Similar change is also recommend for all occurrences of "abovementioned" in the other claims.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrasing of the claims makes them difficult to understand, and therefore fails to define the clear metes and bounds of the claims.

In claim 22, applicant recites "Pneumatically inflatable apparatus..., wherein said apparatus is formed according to claim 1, said inflatable enclosure being formed by said tube which receives the abovementioned accessory" (emphasis provided).

It is noted that the "apparatus formed according to claim 1" already comprises an accessory (claim 1, line 3). It is not clear if the "abovementioned accessory" is the same or different from the accessory recited in claim 1.

The recitation "said inflatable enclosure" lacks proper antecedent basis in the claim. Further, it is not clear what such enclosure is, and whether it is same or different from the inflatable tube recited in the claim.

Further, the phrase "abovementioned accessory" makes it difficult to understand the clear metes and bounds of the claim because it is not clear which accessory is being referred to by use of "abovementioned". Applicant may note that in addition to claim 1, several of the dependent claims recite the structure of the "accessory".

Claim 23 recites "Pneumatically inflatable boat ...equipped with at least one accessory according to claim 1". Similarly, claim 24 recites an "Inflatable swimming pool ...equipped with at least one accessory according to claim 1." It is first noted that claim 1 does not define any specific

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structure of the accessory, but defines only the apparatus to which the accessory is attached. Further, because the accessory of claim 1 has been claimed in combination with an inflatable enclosure, it is not clear if claims 23 and 24 require the specifics of the entire combination.

Applicant is requested to rephrase the claims so that clear metes and bounds of the claims can be established, and also to make it easier to determine whether such claims should be treated as dependent or independent claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 6-10, 12-14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Slonski et al. (US 4,864,961 A).

Re claims 1, 3 and 4, Slonski et al. shows an apparatus (figures 3 and 4) having at least one inflatable enclosure [30] delimited by at least one flexible wall (col. 3, lines 36-39) and at least one accessory [130] that is indirectly secured to the flexible wall of the enclosure.

The flexible wall of the inflatable enclosure has an opening defined by an edge [106], and a protruding reinforcement secured to the edge on its circumference (see figure 6). Two substantially rigid frames members [68, 72] straddle the edge of the opening on a respective side of the flexible wall. Each of the two frames members comprises a groove [108, 110] for accommodating the reinforcement, and is clamped together with the other of the frame members by fasteners [78] to trap the reinforcement in the groove. A securing means [80]

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secure the accessory to a cap structure [70], which is an extension of one of the frame members. A leakproofing means [134] provides a closely fitting connection with the securing means to ensure that the mounted accessory is leaktight with respect to the fluid used for inflating the enclosure.

Re claims 6-10 and 12, the cap structure [70] extending from the outer frame member [72] provides a rigid base for mounting the accessory. As seen in a sectional view of figure 4, the base extends at least partially inside the enclosure. The base is connected to, and therefore considered equipped with, a peripheral shoulder formed by the inner frame member [68]. The base defined by the cap structure is uniformly thin and curved, and is therefore considered to be a "plate" in the form of a bowl-shaped "open box". The securing means [80] integral with the base is considered to be a functional part. A structure [136] of the valve mechanism is considered to be a decorative cap.

Re claims 13, 14 and 21, the accessory [130] comprises an internal space, which is equivalent to a "substantially rigid compartment." The compartment extends at least partially inside the inflatable enclosure. The outer frame member forms a substantially rigid shoulder, protruding transversely with respect to the wall of the compartment. The inner and outer frame members are curved.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 4 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Slonski et al. (US 4,864,961 A).

Slonski et al. shows an apparatus (figures 3 and 4) with two frames members clamped together by fasteners [78], as above. As seen in figure 4, the fastener appear to be one of the screw and bolts, even though the reference does not expressly disclose the fasteners as being such.

Applicant may note that use of one of the screws and bolts to clamp frame members is notoriously old and well known in the art. It would have been obvious for one skilled in the art at the time of the invention to use one of such fasteners because screws and bolts are inexpensive, easily available, and provide the ease of clamping or unclamping of structures for repair and/or replacement.

***Allowable Subject Matter***

9. Claims 2, 5, 11 and 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The allowability of claims 22-24, rejected under 35 U.S.C. 112, second paragraph, cannot be determined at the time of this Office Action. The examiner is not clear whether such claims are intended to be dependent or independent claims.

**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Each of the prior art references cited in the attached PTO Form 892 shows inflatable enclosure secured between outer an inner frame members.

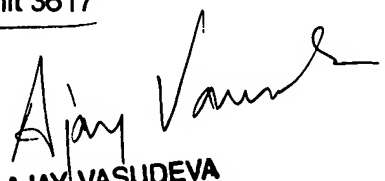
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV

Ajay Vasudeva  
Examiner  
Art Unit 3617

  
AJAY VASUDEVA  
PATENT EXAMINER

5/13/05